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 CITY AND COUNTY OF SAN FRANCISCO,
 SAN FRANCISCO POLICE DEPARTMENT,
 OFFICER JOSEPH KAVANAUGH
 and OFFICER MACAULEY

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

BENJAMIN ORTIZ,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
 FRANCISCO; SAN FRANCISCO POLICE
 DEPARTMENT; OFFICER JOSEPH
 KAVANAUGH; OFFICER MACAULEY;
 and DOES 1 through 50, inclusive,

Defendants.

Case No. CV 11-03317 DMR

**[PROPOSED ORDER] AND APPLICATION
 FOR PERMISSION TO EXCUSE OFFICER
 MACAULEY FROM ATTENDANCE AT
 SETTLEMENT CONFERENCE**

Hearing Date: March 29, 2012
 Time: 9:30 a.m.
 Place: Ctrm. F, 16th Fl.

Complaint Filed: May 18, 2011
 Trial Date: June 25, 2012

This office represents defendants the City and County of San Francisco, and Officers Macauley and Kavanagh in the above-referenced matter. Defendants request that Officer Macauley be excused from the settlement conference scheduled on March 29, 2012. Officer Macauley just last week received a new assignment to a specialized unit. His training for the new assignment begins March 29,

2012. No other training is available in sufficient time for Officer Macauley to accept his new, coveted assignment.

The other individual defendant, Officer Kavanagh, will be present, as will a representative from the San Francisco Police Department. Officer Macauley's presence is not necessary to authorize a settlement. Furthermore, plaintiff will be deposing Officer Macauley the day before the settlement conference, so the plaintiff will have the opportunity to obtain information from Officer Macauley about his perception of events.

Plaintiff's counsel does not object to excusing Officer Macauley from attendance at the settlement conference.

Dated: March 26, 2012

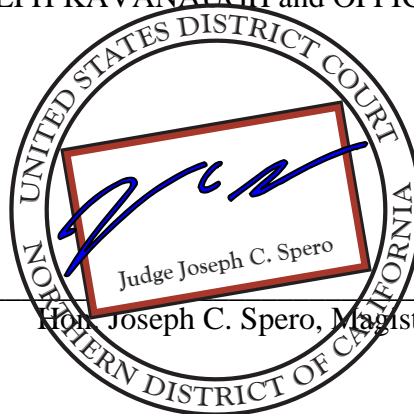
DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
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MARGARET W. BAUMGARTNER
Deputy City Attorney

By: /s/
MARGARET W. BAUMGARTNER

Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO, SAN
FRANCISCO POLICE DEPARTMENT, OFFICER
JOSEPH KAVANAUGH and OFFICER MACAULEY

SO ORDERED.

Dated: March 27, 2012



Hon. Joseph C. Spero, Magistrate Judge

PROOF OF SERVICE

I, LISA FREDERIKSEN, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Fifth Floor, San Francisco, CA 94102.

On March 26, 2012, I served the following document(s):

NAME OF DOCUMENT

on the following persons at the locations specified:

Fernando F. Chavez
Law Offices of Fernando F. Chavez
1530 The Alameda, Suite 301
San Jose, California 95126
Tel.: (408) 971-3903
Fax: (408) 971-0117

in the manner indicated below:

☐ **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

☐ **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. A declaration from the messenger who made the delivery ☐ is attached or ☐ will be filed separately with the court.

☐ **BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

☐ **BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number Fax #' to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and a copy of the transmission report ☐ is attached or ☐ will be filed separately with the court.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed March 26, 2012, at San Francisco, California.

/s/
LISA FREDERIKSEN